

SERVICE DATE – MARCH 25, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33697

NATIONAL RAILROAD PASSENGER CORPORATION—PETITION FOR
DECLARATORY ORDER—WEIGHT OF RAIL

Decided: March 19, 2003

By petition filed on February 20, 2003, Guilford Rail System (Guilford)¹ requests that we clarify our decision served in this proceeding on January 31, 2003 (Weight of Rail III). That decision ordered that, subject to the track safety requirements of the Federal Railroad Administration (FRA), Guilford must allow the National Railroad Passenger Corporation (Amtrak) to operate over Guilford's line at speeds of up to 79 miles per hour. Guilford asks us to clarify that "nothing in Weight of Rail III is intended to render the [FRA's] regulatory framework for railroad safety inapplicable to Amtrak's operation over Guilford's line . . . and that FRA, rather than this Board, has jurisdiction over any safety-related issues that might arise in respect of such operation."² On March 12, 2003, Amtrak filed a reply opposing Guilford's petition on the ground that our decision made that clear.

We agree with Amtrak that our decision in Weight of Rail III was clear. In that decision, we stated (at 1) that:

Amtrak has completed the line rehabilitation, according to the terms set out in Weight of Rail I [decision issued October 22, 1999]. Therefore, it has complied with our conditions, and our analysis of this matter is complete. Accordingly, subject to FRA's safety jurisdiction, Guilford must permit Amtrak to operate over the line at issue at FRA Class 4 speeds.

We also stated (at 4) that:

¹ Springfield Terminal Railway Company, Boston and Maine Corporation, and Portland Terminal Company are referred to collectively as "Guilford."

² Petition at 1.

FRA has indicated . . . that Amtrak should not be prevented from operating at speeds of up to 79 mph as long as the line is maintained in accordance with FRA Class 4 track safety standards. Accordingly, we now find that Amtrak has complied with Weight of Rail I, and we order Guilford to permit Amtrak to operate at FRA Class 4 speeds.

Finally, we stated (at 4) that “[a]s with other rail matters, we would expect that FRA will maintain oversight to the extent safety issues are concerned.” Accordingly, we see no need for clarification.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Guilford’s petition is denied.
2. This decision is effective on its date of service.

By the Board, Chairman Nober and Commissioner Morgan.

Vernon A. Williams
Secretary